IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL WRIT PETITION NO.1722 OF 2006

Kisanlal Chhogaram Sharma ... Petitioner

versus

The State of Maharashtra .. Respondents

Ms.I.M.Koparkar,Advocate for Petitioner

Ms.S.D.Shinde, A.P.P.for Respondents

CORAM : J.N.PATEL AND

SMT.ROSHAN DALVI, JJ

DATED : 14th September, 2006

P.C.

1. Heard.

2. This petition can be disposed at the admission stage itself. The petitioner has come with a grievance that he has been wrongly categorised in category 1 (b) whereas case of the petitioner falls under category 1(a) of the Rules (14 years Rule of Prisoner undergoing life sentence, laid down under the Government of Maharashtra Letter

No.RLP-1092/13/252/PRS-3 dated 11/5/92). The petitioner has also annexed the judgment under which he was found guilty of having committed offence punishable under section 302 IPC and sentenced to suffer imprisonment for life and fine of Rs.1000/- in default to suffer R.I. for three months for the charge of having committed murder of Liladevi Sharma by pouring kerosene oil on her body and setting her ablaze in his house at Tadiwala Lane, Pune. The petitioner is the husband of the unfortunate woman who came to be murdered by him. Learned counsel for the petitioner submits that the murder was not committed with pre-meditation and therefore, case of the petitioner would fall within the guidelines 1 (g) and not 1 (b).

3. On going through the judgment, we find that the decision taken by the State Government is correct because, here the murder has been committed with pre-meditation and therefore, there is no case made out by the petitioner for re-categorising him and the order dated 21st September, 2005 does not call for any interference.

4. Petition dismissed.

(Smt Roshan Dalvi,J) **(J.N.Patel, J)**